

GUIDANCE NOTE 9

Community Infrastructure Levy

Paying CIL in the form of land

In certain circumstances you may be able to pay some or your entire CIL amount in the form of land. This will depend on five conditions.

1. The Council must agree to the transfer of land as part or whole payment of the CIL.
2. The Council accepts there is a need and commits to use the land to help provide infrastructure to support the development of the area.
3. A developer / individual who wishes to transfer the land to the Council must have assumed liability to pay CIL beforehand by filling in CIL form – [Assumption of Liability](#).
4. The land to be transferred must have been independently valued by a suitably qualified person agreed by the Council. The valuation must represent a fair market value for the land on the day it was valued.
5. Development must **not** have commenced before written agreement with the Council. Any agreement must clearly state the value of the land to be transferred.

It should be noted that the agreement to pay land may not form part of any planning obligation entered into as part of a S106 agreement.

By agreement with the Council land can be transferred by instalments as long as it is in line with the payment proportions and due dates laid out in the **Demand Notice**. Any outstanding CIL amounts left after the transfer of land in the form of money will be paid in line with the payment due dates laid out in the **Demand Notice**.

It is recommended that if you wish to include the transfer of land in any CIL agreement that you speak with the Council as early as possible to prevent delay in your application.